

Australian War Memorial

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AWM -54

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Trial by Military Court A.W.62637 Captain
Seki Takashi. 27/9/46

A.153/

AUSTRALIAN MILITARY FORCES

HQ 8th Military District
Rabaul

A. 636

Legal

AHQ MELBOURNE
(For DPW & I)

WAR CRIMES : TRIAL BY MILITARY COURT OF :-

ANC No 2657 Capt SEKI Takashi of 26 Motor Vehicle Depot.

1. Petition by this accused is forwarded herewith against the sentence of imprisonment for ten (10) years imposed on him by Military Court at Rabaul on 7 Jun 46.

2. It is recommended that the Petition be dismissed.

3. Original proceedings were forwarded to AHQ under cover of this HQ A536 of 18 Jun 46.

C 145

Maj-Gen.
GOC 8th Military District.

25 Jun 46

A.153/

Legal

AUSTRALIAN MILITARY FORCES

HQ 6th Military District
Rabaul

A. 536

AHQ MELBOURNE
(for DPW & T)

WAR CRIMES : TRIAL BY MILITARY COURT OF :-
ANG No 2337 Capt [illegible] Tanashi of
26 Motor Vehicle Depot.

1. Proceedings are forwarded herewith of Court which tried and convicted this accused on 7 Jun 46 on a charge of ill treatment of an Indian POW. The Court sentenced him to imprisonment for 10 years.

2. Notice of Petition is attached to the proceedings in in consequence of which confirmation is reserved for higher authority.

3. It is recommended that the finding and sentence be confirmed.

Distribution by "A" Jun 46

Legal

Maj-Gen.
GOC 6th Military District.

18 Jun 46

# PETITION

WHEREAS at RABAUL on the 7th day of June 1946 Your Petitioner Capt. SEKI TAKASHI 26 Motor Vehicle Depot Japanese Forces was found guilty by a Military Court duly convened under the provisions of the War Crimes Act 1945 of the Commonwealth of Australia in respect of a War Crime punishable thereunder Namely ILL-TREATMENT AND WHEREAS at the place and on the date aforesaid Your Petitioner was sentenced by the said Militaryv Court to IMPRISONMENT for 10 years AND WHEREAS such finding and Sentence have been confirmed by the authority convening such Military Court AND WHEREAS Your Petitioner considers himself aggrieved by reason of such finding and Sentence of the said Military Court and by the confirmation thereof by the said convening authority NOW THEREFORE YOUR PETITIONER HUMBLY PRAYS in pursuance of the Regulations made under the said Act that both the Finding and Sentence of the said Military Court and the confirmation thereof be quashed by the appropriate Authority under the said Act upon the following grounds:-

1. (1) Concerning the punishment for POW's Act of insubordination it is prescribed in Art. 45 of Appendix 24 of Hague Convention 1907 (of M.ML Page 372) that POW shall be subject to the laws, regulation, and orders in force in the armed forces of the detaining Power, and that any act of insubordination shall render them liable to the measures prescribed by such laws, regulation, and orders.

(2) To deform or throw away clothing without order is the most vicious insubordinate act. It is prescribed in Act.83 of the Japanese Army Criminal Law that any person who deforms, gives up or injures arms, ammunition, provisions, clothing, horse or other objects used for military purposes shall be liable to a penalty of imprisonment with labour or imprisonment for less than ten years.

(3) Your Petitioner's act is within the lawful authority of the company commander under the order from the Japanese Supreme HQ that Indian shall be treated as same as Japanese soldiers and the Japanese Military Deciplinary Regulations (Art.30. The company commander has the duty to maintain military discipline and to regulate public morals; Art.32. The company commander has the right of reward and punishment in accordance with provisions of laws).

(4) Slapping as a disciplinary measure in the Japanese Army is the lightest method used usually and the spirit which lies at its bottom is the love of father toward his dear child.
In this case Your Petitioner's act was done customarilly as same as to Japanese soldier and never contains any malice.

(5) It is clear according to Your Petitioner's statement and the examination before the court that the disciplinary measure taken by Your Petitioner at the time was nothing but slapping.
Upon the above-mentioned grounds the disciplinary measure taken by Your Petitioner does confirm to the purport of regulations in force in the Japanese Army and is never excessive, unreasonable nor inhumane.

2. Your Petitionar was the head of the Indian labour Party from Jan.1st in 1945 to Sep. 14th in 1945 during that period he took positive and sincere measures for the protection of Indians inspite of extreme shortage of food, clothing and medicines etc. in the Japanese army and consequently among 579 Indians the rate of the dead was about 4 %, of heavy patients, naught.

This fact does prove Your Petitioner's love toward Indians. The Sentence of the court is too severe having disregard to all the circumstances of the case.

In the event of the Finding ~~xxx~~ of the court not being set aside Your Petitioner humbly prays that the sentence should be mitigated with mercy.

3. It is submitted that Your Petitioner is aged 40 years and has a sickly second wife of 29 years old, a boy of 6 years old and a girl of 13 years old. They are wholly dependent on your Petitioner. They were diven out of business owing to the calling-up of your Petitioner and were supported by the small salary from the Army. If Your Petitioner can not go back home the family who lost their house by air-raids would be starved to death having no support to rely upon.

DATED at RABAUL this 20th day of June 1946.

関 武

.....

Capt. SEKI Takashi

TO

Maj-Gen. B.M.Morris
GENERAL OFFICER COMMANDING
6 M.D.
AUSTRALIAN MILITARY FORCES

# THE WAR CRIMES ACT 1945

TRIAL OF :

Capt SEKI Takashi of 26 Motor Vehicle Depot.

DATE OF COURT :

7th June, 1946.

PROSECUTING OFFICER :

Capt D.G.E. HILL AALC

DEFENDING OFFICER :

Capt L.A. CHISHOLM AALC
Capt ISHIWARA is the Japanese Defending Solicitor.

The Accused is brought before the Court.

The Members of the Court and Judge Advocate are duly sworn.

Maj N.K. SINHA, a Member of the Court, makes a Solemn Declaration.

NISHIMURA Jiro is sworn as the Interpreter.

The Charge is read to the Accused.

The Charge pleads NOT GUILTY to the Charge.

C145

CASE FOR THE PROSECUTION

Prosecutor tenders sworn statement of Jemadar RAHMAT ALI which is admitted in evidence, read, marked Exhibit A, signed by the President, and annexed to the Proceedings.

The Judge Advocate directs the Court that they should not take into consideration the alleged subsequent imprisonment of the Jem RAHMAT ALI in the black hole after the 23rd of August 1945.

Prosecutor tenders statement of Clerk G.V. WARREN, which is admitted in evidence, read, marked Exhibit B, signed by the President, and annexed to the Proceedings.
A carbon copy of the statement is attached to the original.

Prosecutor tenders statement by Jemadar SANTA SINGH, which is admitted in evidence, read, marked Exhibit C, signed by the President, and annexed to the Proceedings.

Prosecutor tenders statement of Sepoy FEROZ KHAN, which is admitted in evidence, read, marked Exhibit D, signed by the President, and annexed to the Proceedings.

Prosecutor tenders statement of Subedar GANPATRAO SURYAWANSI which is admitted in evidence, read, marked Exhibit E, signed by the President, and annexed to the Proceedings.

Defending Officer : The Accused admits that he is the person referred to variously in the statements tendered by the Prosecution as SIKI TAI, SIKI THAI, and Capt SIKI, as charged by the Indians in respect of the offences alleged by the Indians, but he does not admit any of the facts in regard to the incidents.

Prosecutor tenders report of the interrogation of the accused, Capt SEKI Takashi, which is admitted in evidence, read, marked Exhibit F, signed by the President, and annexed to the Proceedings.

CONCLUDES THE CASE FOR THE PROSECUTION.

CASE FOR THE DEFENCE.

Defending Officer makes a brief opening address.

Capt SEKI Takashi being duly sworn is examined by the Defending Officer through the interpreter NISHIMURA.

Guided by my consicence, I swear to tell the truth without withholding any evidence whatsoever, and also I will not add anything besides the truth.

I am Capt SEKI Takashi of the 26 Motor Vehicle Depot.
Witness is shown a statement signed by him.
That is my signature.
The statement has been read over to me in Japanese before I signed it and it is true and correct.
The statement is tendered, admitted in evidence, read, marked Exhibit G, signed by the President, and annexed to the Proceedings.

Q. How old are you?
A. I am full 40 years old.
Q. What standard of education have you received?
A. I graduated from High School.
Q. How long have you held a commission in the Japanese Army?
A. October 1941.
Q. Prior to that had you had any previous Military experience?
A. No.
Q. What was your civil occupation?
A. Retail dairying.

CROSS EXAMINED

Q. Do you remember the Indian officer named RAHMAT ALI?
A. Yes.
Q. Isn't it a fact that he once told you bluntly that he would not join CHANDRA BOSE's Army?
A. No, there was no such occasion.
Q. Was he a member of that Army?
Defending Officer objects to the question as irrelevant.
The Court does not uphold the objection.
A. I do not know.
Q. He had been a nuisance to the Japanese as long as you remember, had he not?
A. Yes, to some extent.
Q. To what extent?
A. I have heard that he did not work heartily and that he also agitated his men not to work heartily.
Q. When did that first come to your notice?
A. Around February I received a report from the Coy. The Indian RAHMAT ALI had ~~60~~ Indians under him and were working at the Repair Section, his men divided into groups and did not get along very well, and one of the Indian labourers who was not in the group with RAHMAT ALI came to me and said he wanted to stay with myself. That occurred twice. This February was February 45.
Q. What was the exact date you surrendered your sword to the Australian Forces?
A. I remember that on the 20th of August all swords were gathered by the Unit.
Q. What about yo r sword?
A. I handed in my sword to the man in charge of Ordance at HQs.
Q. Was

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Q. Was there any Australian check on the swords handed in by your Unit?
A. I do not know.
Q. Who collected the swords?
A. W.O. ASADE, who was in charge of the Ordnance Section of the TAKAYA Unit collected them.
Q. Do you know that every sword in the Unit was taken up?
A. All swords were taken up by order of the C.O.
Q. Would you say that there wasn't a single sword left in the Unit?
A. There were none left.
Q. Did you make a personal check ?
A. I did not make a check but W.O. ASADE strictly carriedout the order and had them all in the storehouse.
Q. When did you first hear that JAPAN had surrendered?
A. On the 17th of August 1945.
Q. You say that in the 2nd or 3rd of September you went to see RAHMAT ALI?
A. Yes, I did go.
Q. And that you slapped him and pushed him?
A. Yes, I did.
Q. Seeing that the Japanese Forces in this area had surrendered wasn't that outside the scope of your authority?
A. According to the instructions Indians were to be under the control of the Japanese until they were all handed over to Colonel ~~FIN~~ Ishida therefore I thought I still controlled them.
Q. Who gave those instructions?
A. Army HQs.
Q. You had had other occasions on which you had disciplied RAHMAT ALI had you not?
A. There were no other occasions.
Q. Had you ever heard of the man before you visited him in Septemner.?
A. Yes, I knew him prior to that.
Q. And it was prior to September that he committed these offences inciting the others not to work?
A. Yes, that was so. But I have never seen it but I have heard of it from the Repair Section.
Q. But when you did hear it you were the Commander of the Indian unit were you not?
A. Yes.
Q. An did you ever interview RAHMAT ALI about these complaints?
A. No, I did not meet or interview RAHMAT ALI because I thought it was a very minor incident and told the man in charge of the Indians at the Repair Section to warn him.
Q. Are you suggesting that the Japanese regarded incitement to others not to work as a trivial offence?
A. Yes, I did not think it was a matter to bring him forward but had him warned.
Q. Can you give us an example of an offence for which RAHMAT ALI would have been interviewed by you?
A. If an incident occurred two or three times and if the man in charge of the Indians could not handle it myself I would interview him myself.
Q. Was RAHMAT ALI as far as you know, a Prisoner of War?
A. He was not a Prisoner of War.
Q. Why?
A. According to instructions from Army HQs they say he is to be regarded as an Indian labourer.
Q. Did that instruction also state that those labourers were members of CHANDRA BOSE's Army?
A. No.
Q. When you went to see RAHMAT ALI in September did HADA Socho go with you?
A. No, he did not.
Q. Who did go with you?
A. I went with an Indian called WARREN.

Q. Was there a TANAKA Hecho in your Unit?
A. No.
Q. Did you know anybody called TAKAMOTO?
A. No.
Q. INGAWA?
A. I do not know him.
Q. Did you know Jemadar SANTA SINGH?
A. Yes, I know him.
Q. Sepoy FEROZ KHAN?
A. I do not know him.
Q. Subedar GANPATRAO?
A. Yes, I know him.
Q. Was he at the Repair Shop with RAHMAT ALI, that is was FEROZ KHAN there?
A. No they were not together there.
Q. Where was FEROZ KHAN at the beginning of September?
A. I do not know that name.
Q. Was Subedar GANPATRAO with RAHMAT ALI at the Repair Shop in September?
A. He was not there.
Q. Where was he?
A. He was in the Service Coy.
Q. How far away from the Repair Coy was that?
A. Eleven or twelve kilometres.
Q. Was SANTA SINGH with RAHMAT ALI at the Repair Section?
A. No.
Q. Where was he ?
A. At the Mobile Repair Unit.
Q. Why did you ask the Indians to pardon you for any transgressions?
Defending Officer objects to this question.
Defending Officer withdraws his objection.
A. No, I did not make an apology.
Q. Do you know a Japanese called HADA Socho?
A. Yes.
Q. Where was he when you went to the Repair Depot?
A. He was at the Service ~~Depot~~ Coy.
Q. When you previously received reports about certain conduct of RAHMAT ALI, who made the reports?
A. Sgt OKUBO who was in charge of the Indians at the Repair Unit.
Q. What were the names of other Japanese*at the Repair Section?
A. I do not know the names of any other NCOs.
Q. How many were there?
A. I think from 170 to 180, Japanese.
Q. Why did you consider it necessary to go personally to the Repair Depot and deal with RAHMAT ALI?
A. I had reports before and I thought I would go out. and see him.
Q. And on that occasion although you had received previous reports you thought 3 or 4 slaps with the hand was sufficient to punish him?
A. I slapped him and he apologised and so I told him that in future be sure that you do not let it happen again.
Q. Have you ever known before an Indian Officer to apologise to a Japanese?
A. There was no such occasion because Indian Officers did not do anything they had to apologise for.

*NCOs.

QUESTIONS BY THE COURT

Q. When you recieved the order to surrender all swords were you also ordered to surrender rifles and other weapons?
A. All weapons.

Q. Do you know the date of the arrival of the British Forces in RABAUL?
A. I think it was around the 12th or 13th of September.

I swear that I have told you the truth without adding anything.

Evidence is read over to the witness who does not desire to correct same.

CONCLUDES THE CASE FOR THE DEFENCE.

The Court adjourns at 1155 hrs.

The Court re-assembles at 1330 hrs, the same President, Members, and Judge Advocate being present.

EVIDENCE IN REBUTTAL

The Prosecuting Officer intimates to the Court that he will call a witness in rebuttal.

The Defending Officer objects on the ground that the matter relating to the sword were already referred to in the evidence of Prosecution. The Judge Advocate advises the Court on the law re the right of the Prosecutor to call evidence in rebuttal.

The Court retires to consider the matter.
The Court resumes.
The President announces that the application of the Prosecuting Officer to call this witness is not approved.

PROSECUTING OFFICER MAKES AN ADDRESS WHICH HE DOES NOT DESIRE TO BE RECORDED.

DEFENDING OFFICER MAKES AN ADDRESS WHICH HE DOES NOT DESIRE TO BE RECORDED.

The Judge Advocate Addresses The Court :

The Accused is charged with illtreating Jemadar RAHMAT ALI a PW at or near RABAUL on or about 22 August 45.
I advise the Court that if the charge is sustained, it constitutes a war crime within the meaning of War Crimes Act 1945.
The first point on which you must satisfy yourselves is whether Jemadar RAHMAT ALI was a PW at the time of the alleged ill-treatment.
You will remember that JAPAN capitulated on 15 August 45, but that in itself does not mean that persons who were PW in Japanese hands thereupon ceased to be PW.
A soldier who has been captured by or has surrendered to the enemy remains a PW until the time he in fact ceases to be in the hands of the enemy, i.e., until he ceases to be under their control.
It is for you to decide whether RAHMAT ALI was or was not in the hands of the Japanese Forces at the times material to the present charge.
You have in evidence given by the accused the British Forces did not arrive at RABAUL until 12 or 13 September 45, and that the accused had instructions from Army HQ that the Indians were to be under the control of the Japanese until they were handed over to Lt Col ISAO, therefore I thought I still controlled them.
You may consider that the whole tenor of all the evidence established the status of the said RAHMAT ALI at the time of the alleged ill-treatment. Ill-treatment not generally defined in the War Crimes Act - the words are to be given their ordinary meaning.
Right of Belligerent to punish PW for insubordination - Annexure to Hague Convention 1907 to which JAPAN is a signatory. PW must be treated humanely.
So that if you find that the treatment of RAHMAT ALI by the accused was punishment for insubordination, you must further decide whether such punishment was (a) In accordance with the laws, orders, and regulations in force in the Army of JAPAN. (b) Was not unreasonable, excessive, or inhumane.
And in sofar as punishment does not comply with the conditions, it may amount to illtreatment.
This is a criminal charge and the onus of proof is on the Prosecution throughout. It is not for the accused to prove his innocence.
If you have a reasonable doubt you must acquit. In making your decision you should consider only the evidence which has been presented but you may take judicial notice of matters of notoriety, including all matters with your general Military knowledge.

If *Reasonable doubt defined*

The Court is closed at 1400 hrs to consider the Finding.
The Court re-opens at 1413 hrs, and the President announces that the Court finds the accused, Capt SEKI Takashi, GUILTY of the Charge.

The Defending Officer makes an Address in Mitigation and asks the Court to take into consideration what he said in his final address.

The Prosecuting Officer informs the Court that he has no evidence of any previous convictions by a War Crimes Court against the accused

The Court is closed to consider Sentence at 1415 hrs.
The Court re-opens at 1427 hrs, and the President announces that the sentence of the Court is that the accused, Capt SEKI Takashi, to be imprisoned for Ten Years.

The President further announces that such Finding and Sentence are not final until confirmed by the Confirming Authorities.

Signed at RABAUL this 7th day of June, 1946.

John J Garvey
Capt.
JUDGE ADVOCATE

Maj.
PRESIDENT

## FORM FOR ASSEMBLY AND PROCEEDINGS OF A MILITARY COURT

DAY OF 1946

WHEREAS it appears to me, the undersigned, an Officer authorised to convene a Military Court under the War Crimes Act 1945, that the person named in the annexed Schedule has committed the war crimes in the said Schedule mentioned, I HEREBY CONVENE a Military Court to try the said person and to consist of the Officers hereunder named:

### PRESIDENT

Maj C.H. SMITH ED att HQ 8 MD is appointed President

### MEMBERS

Maj N.K. SINHA 8th Bn, The Kuamon Regt.
Maj J.S. MacLEAN att HQ 8 MD
Maj J. WALKER att HQ 8 MD
} are appointed Members

### JUDGE ADVOCATE

Capt J.F. GARVEY AALC is appointed Judge Advocate

Maj. Gen
Convening Officer
GOC EIGHTH MILITARY DISTRICT

### SCHEDULES

| Number, Rank (a) Name & Unit of Accused | OFFENCE CHARGED | Plea | Finding and if convicted Sentence (b) | How dealt with By Confirming Authority (c) |
|---|---|---|---|---|
| Capt SEKI Takashi of 26 Motor Vehicle Depot 2637 | ILL TREATMENT of a Prisoner of War In that he at or near RABAUL on or about 22 Aug 45 ill-treated No. 6808 Jemadar RAHMAT ALI, No. 1 A.W. Coy I.E., a Prisoner of War. | NOT GUILTY | GUILTY 10 YEARS IMPRISONMENT | |

Maj. Gen
Convening Officer
GOC EIGHTH MILITARY DISTRICT

**NOTE** : The records of the proceedings of the Court will be attached to this form.

(a) If the accused is not a member of the Naval, Military, or Air Force of an enemy or ex-enemy Power the name, occupation, and residence of the accused will be inserted.

(b) Recommendation to mercy, if any, to be inserted in this column, or on a separate sheet attached to the proceedings, with the reasons for the recommendation.

(c) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.

(d) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialled by him.

B. I CERTIFY that the above Court assembled on the seventh day of June 1946 and duly tried the person named in the Schedule, and that the Plea, Finding, and sentence in the case of such person were as stated in the third and fourth columns of that Schedule and that the Regulations for the trial of War Criminals have been complied with.

I ALSO CERTIFY THAT :

1. The Members of the Court
2. The Judge Advocate
3. The Witnesses
4. The Interpreter
5. The Shorthand writer

were duly sworn.

SIGNED this seventh day of June 1946

Chas Mervyn Hayes

PRESIDENT OF THE MILITARY COURT

C. I have dealt with the findings and sentence in the manner stated in the last column of the Schedule, and, subject to what I have stated, I HEREBY CONFIRM the above findings and sentence.

CONFIRMING OFFICER

PROMULGATED in the case of

(Date) (a) 1946

Signed :

(a) When several cases are promulgated on the same day the Officer effecting promulgation need only sign once.

Ex. A.

6808 Jemadar RANAMATALI L.E. No 1 A.W. Coy Depot LAHORE, HAVING Been called on 30 Oct 45 and duly sworn states:-

I left SINGAPORE on 5 Jan 43 with a party of 500 men. The party Comdr was Subedar GANPATRAO of 13 Aux. Pioneer Bn. Our Detachment consisted of about 50 men including Jemadar AIAF DIN, 1/8 Punjab Regt, and myself, and was attached to WATANABE TAI, TAKAYA Butai, JIDOSHA SHO.

During the first week of February 1944 a bulletin issued by TAKAYA (Col) BUTAICHO was brought to me by our party Comdr JOTOHE TANAKA, who directed me to explain the contents to officers and ORs. I did so and expressedmy own views that SUBAS CBANDRA BOSE was in reality a traitor to India., and that no further comments were necessary since we Indians were PsW and did not belong to any political class or creed. Ex No 1 presented to court is a propaganda of Japs to cheat Indians.

On 15 Feb 44 Jem. AIAF DIN and myself were beaten by THAI KEOKA and threatened ~~kn~~ us to be shot down if we disagreed to accept SUBAS BOSE as our leader. We preferred death and utterly refused to obey him. On refusal to accept SUBAS BOSE as a leader, KEOKA THAI beat both of us officers and NCOs on 15th. Other ranks were beaten by TANAKA on 15/16 Feb. 44. KEOKA THAI had instructed to all his Japs that they were to particularly beat and give all sorts of trouble to Jem AIAF DIN and myself because we~~f~~ were pro-Americans.

From same date we were made to perform very hard labour from 0400 hrs to 2000 hrs without rest.

In Jul 44 TANAKA Hecho told us that from 1 Jul 44 all Indians were to be on the same standard as the Nippon Army, and offered Rank Marks of cloth to be worn by officers and NCOs, but we were against this move and all refused to wear them since we had our own rank marks. On refusal we were all beaten by TANAKA. Jemadar AIAF DIN and some 10 ORs were separated from our detachment and sent to an unknown place. After this most of the NCOs were severely beaten, flogged and kicked by TANAKA. I could not bear this pitiable state affairs any longer and advised the men to put on the rank marks over their chest, especially since one Sepoy MOHD HUSSAIN had been killed by the Japs. MOHD HUSSAIN was charged to be a spy against the Japanese Government and killed on 19 Jul 44. Thus the NCOs put on the marks on 20 jul 44, but I absolutely refused to wear them myself, saying that I preferred death and told them not to destroy my corpse like MOHD HUSSAIN but to hand it over to ~~N~~ Mohammedans of my party. From this date Sepoy Clerk RAMAN S.K.S. was ranked officer and I had to obey this junior ~~officer~~ soldier in the party until the date of my recovery as L.I.Pw. Three men named TANAKA, INGAWA, HASHIMOTO had to beat and flogg me regularly for one and half years. When entirely crushed I was utilized as a sweeper.

On 21 Aug 45 after the Jap surrender we were issued a hat with Jap mark on it which I destroyed. INGAWA who happened to be present without my knowledge slapped me and shoved me towards his house. I was rescued by KARAMAI HUSSAIN and MIRAMAN. TANAKA and INGAWA reported to Capt SIKI that I was the same man who once before refused to accept SUBAS BOSE as the Indian leader, and who also ~~h~~ refused to put on the red mark for officers and who that ~~h~~ day destroyed the Japanese mark from the Jap hat,and that INGAWA was beaten by me and other Indian soldiers.

On 22 Aug 45, SIKI TAI, HADA SOCHO, C.V. WARREN accompanied by TANAKA and INGAWA came to our camp and paraded all Indians in front of the House. SIKI THAI caught me bt the neck and commenced slapping me, and when tired of this, whipped and flogged me with his leather belt. TANAKA and INGAWA used to hold my hands behind my back and SIKI THAI did the flogging. Three times I became senseless and fell to the ground, my nose and mouth bleeding freely. TANAKA and INGAWA kept pouring cold water over my body to revive me and then SIKI again commenced the kickings and flogging. Thereafter I was tied to a tree by TANAKA and INGAWA under orders from SIKI TAI. The SIKI TAI ordered SOCHO HADQ to fetch his sword. The sword was held just above my head by SIKI TAI

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ready bo behead me. I shouted out for ISMAIL to convey my death message to my children and I prayed God to forgive my wrongs. SIKI TAI in a rage swung the sword but HADA SOCHO immediately rushed out from behind and caught hold of SIKI's hand and stopped the butchering. SIKI THAI rebuked SOCHO HADA and again attempted the act but HADA SOCHO once more intervened. Thereafter I was beaten by SIKI THAI with the edge of his sheated sword causing enormous injuries to my head until I became quite unconscious. I regained my senses on 23 Aug 45 at TANANDORA inside ä " shell black hole".at a distance of 12 miles from my camp, and I noticed that Jap soldiers were outside on guard. None of the Indians were allowed to come near my confinement. The air in the "black hole" was foul and I was not allowed to go out for WC etc - everything was to be done inside I was fed daily at evening time with only one piece of sweet potato weighing not more than 4 ozs.

On 24 Aug 45 two Japanese guards took me to the place of SIKI THAI where Subedar GANPATRAO, C.V.WARREN,BAIAFRAO, Jem SANTA SINGH and others had also been invited by SIKI THAI. SIKI THAI asked me and the other Indian officers to forgive him his wrongs. I refused and was again taken back to the same "black hole". On 12 Sep 45 Subedar ABDUL GPANI 2/15 P.R. had me released.

Statement is read over to Complainant and signed by him.

(Signed) RAHMAT ALI Jem I.E.

Signature of Complainant

Ex. C

164190 Jem SANTA SINGH, No 9 platoon Comdr C Coy, 13 Aux Par battalion, having been called on 3 Oct 45 and duly sworn states:-

There were 109 men in my party at SIKI TAI.

At about 2200 hrs on 22 Aug 45 SIKI TAI brought Jem RAHAMATALI and kept him in a (hole) trench. Jap guards were posted and no Indians were allowed to see and interview Jem RAHAMATALI until 12 Sep. 45. Once, on 24 Aug 45, all Indian officers were called upon and and requested by SIKI TAI to pardon him; that time we had no opportunity to talk to Jem RAHAMATALI, SIKI TAI was not pardoned. Not one of my men gave meals to Jem RAHAMATALI - we were not allowed ~~km~~ even to pass by the side of the trench where Jem RAHAMATALI was kept under Japanese guard. On the arrival of Subedar ABDUL GANI, representative from I.L. PW HQ, I duly reported to him to get Jem RAHAMATALI released before the other ones in SIKI TAI. Accordingly he had ~~Kem~~ RAHAMATALI released.

Evidence is read over to witness and signed by witness.

(Signed) SANTA SINGH

Signature of witness

Ex D

12701 Sepoy FEROZ KHAN, 5/2 Punjab Regt. having been called on and duly sworn states:-

In Feb 44 KEOKA THAI gave Jem RAHAMATALI a circular to translate and read to the Indian party. It was stated therein by SUBAS BOSE that all Indian POW should take up arms against our King and join the Japanese forces. Jem RAHAMATALI told us that SUBAS CHANDRA BOSE was a traitor, and we replied to the Japanese Comdr that we were not followers of Subas Chandra Bose. Jem RAHAMATALI and Jem AIAF DIN were severely beaten by KEOKA THAI. Both were forced to work hard and night without rest and adequate food and were also threatened to be shot.

In Jul 44. red marks for officers and NCOs were issued. All refused to wear them. Jem RAHAMATALI replied that he preferred death and requested that his corpse be returned to the Indians and not destroyed as was the case with Sepoy MOHAMMED HUSSAIN who had been killed by order of TAKAYA Col, a day or two before this occurence. All NCOs were beaten and we were all awarded heavy thrashings. TANAKA GHOCHO, INGAWA HECHO, and HASHIMOTO GHUNSO used to beat Jem RAHAMATALI daily for 1½ years. He was given only one quarter of the potatoes given to individuals. At last Jem RAHAMATALI was utilized by them as a sweeper.

On 21 Aug 45, i.e. after the surrender of the Japs, Jem RAHAMATALI was noticed by INGAWA pulling off the Japanese mark on his hat which had been issued that day to all Indians, and as a consequence he was beaten. On 22 Aug 45 SIKI THAI came and gave him a severe thrashing with belt and then with sword. He inflicted several wounds to RAHAMATALI's head and kept on thrashing him until he became unconscious. In fact SIKI THAI wanted to behead Jem RAHAMATALI but HADA SOCHO intervened. Jem RAHAMATALI was then tied by TANAKA and INGAWA to a tree and SIKI THAI commenced beating him on the headwith his sword. In the evening SIKI THAI took Jem RAHAMATALI away on a truck to a place not known to me. Jem RAHAMATALI was not in his senses and we thought he was dead.

No one was allowed to see Jem RAHAMATALI until 16 Sep 45.

Evidence is read over to Witness and signed by Witness.

(Singed) FEROZ KHAN

Signature of Witness

Interpreter's Certificate

I, T.R. CONGAL do hereby certify that this statement was made by FEROZ KHAN in Hindustaini and after same had been written down in English was read back to Witness in his own language before he signed it and the translation is a correct translation of Witness' evidence.

(Signed) T.R. CONGAL

Signature of Interpreter.

Ex. E

64353 Subedar GANPATRAO SURIYAWANSI 13 Aux. Pioneer Battalion, having been called on 3 Oct 45 and duly sworn states:-

I was party commander of 500 men who arrived at RABAUL on 18 Feb 45. Jemadar RAHAMATALI was in my party. The Japs separated RAHAMATALI with a party of about 50 men under KEOKA THAI. There was a progaganda of TAKAYA Butai that all Indians had to follow SUBAS CHANDRA BOSE, but Jem RAHAMATALI and his men rejected this traitor as their leader. The result of this was that the officers, NCOs and I. ORs already divided by TAKAYA THAISA into small groups were beaten, whipped and given all sorts of punishments.

In July 44, the Japs issued red marks for officers and NCOs and on this occasion Jemadar RAHAMATALI was again beaten and threatened to ne shot by KEOKA THAI.

SIKI THAI came to my camp after the surrender of the Japs on this island on 22 Aug 45 and accompained by HADA SOCHO and Clerk G.V. WARREN, went to Jem RAHAMATALI's camp. On that same evening G.V.WARREN returned and told me that Jem RAHAMATALI had been brought by SIKI THAI and was now shut in a tunnel adjoining SIKI THAI's house and that RAHAMATALI was unconscious and might die before sunrise. G.V. WARREN said that Jem RAHAMATALI was first of all beaten with hands, whipped with leather belt and afterwards with the blunt edge of a sword by SIKI THAI at SUJUNIETAI. He said that SIKI THAI had determined to behead Jem RAHAMATALI but HADA SOCHO immediately intervened. I could not interview Jem RAHAMATALI during those days as I was also separated from my men and confined to a hut surrounded by Japs.

On the evening of 24 Aug 45, SIKI THAI called together at his house all Indian officers and requested all to pardon him, as he had beaten and exiled Jem RAHAMATALI and repeatedly asked all of us to recommend to Jemadar RAHAMATALI that he forgive him for all the unbearable trouble and beatings SIKI THAI had awarded him. TAKAYA THAISA (Col) wanted to pay damages to all Indian officers and I. ORs in cash but I and every individual of my party refused to accept this bribe. Jemadar RAHAMATALI did not pardon SIKI THAI. All officers expressed their incapability of acceding to SIKI THAI's request. Jemadar RAHAMATALI head and face was swathed in bandages and his mouth and cheeks were swollen. He could hardly speak and was unable to move from one place to another without the aid of two men.

On 12 Sep 45 Subedar ABDUL GANI, 2/15 Punjab Regt, representative of L.I. POW HQ arrived and accompained by me went to SIKI THAI's party. We then recovered Jemadar RAHAMATALI from a hole where he had been kept in exile as a serious criminal.

Evidence is read over to Witness and signed by Witness.

(Signed) GANPATRAO

Signature of Witness.

CASE FOR THE PROSECUTION

Prosecutor tenders sworn statement of Jemadar RAHMAT ALI which is admitted in evidence, read, marked Exhibit A, signed by the President, and annexed to the Proceedings.

The Judge Advocate directs the Court that they should not take into consideration the alleged subsequent imprisonment of the Jem RAHMAT ALI in the black hole after the 23rd of August 1945.

Prosecutor tenders statement of Clerk G.V. WARREN, which is admitted in evidence, read, marked Exhibit B, signed by the President, and annexed to the Proceedings.
A carbon copy of the statement is attached to the original.

Prosecutor tenders statement by Jemadar SANTA SINGH, which is admitted in evidence, read, marked Exhibit C, signed by the President, and annexed to the Proceedings.

Prosecutor tenders statement of Sepoy FEROZ KHAN, which is admitted in evidence, read, marked Exhibit D,signed by the President, and annexed to the Proceedings.

Prosecutor tenders statement of Subedar GANPATRAO SURIYAWANSI which is admitted in evidence, read, marked Exhibit E, signed by the President, and annexed to the Proceedings.

Defending Officer : The Accused admits that he is the person referred to variously in the statements tendered by the Prosecution as SIKI TAI, SIKI THAI, and Capt SIKI, as charged by the Indians in respect of the offences alleged by the Indians, but he does not admit any of the facts in regard to the incidents.

Prosecutor tenders report of the interrogation of the accused, Capt SEKI Takashi, which is admitted in evidence, read, marked Exhibit F, signed by the President, and annexed to the Proceedings.

CONCLUDES THE CASE FOR THE PROSECUTION.

CASE FOR THE DEFENCE.

Defending Officer makes a brief opening address.

Capt SEKI Takashi being duly sworn is examined by the Defending Officer through the interpreter NISHIMURA.

Guided by my consicence, I swear to tell the truth without withholding any evidence whatsoever, and also I will not add anything besides the truth.

I am Capt SEKI Takashi of the 26 Motor Vehicle Depot.
Witness is shown a statement signed by him.
That is my signature.
The statement has been read over to me in Japanese before I signed it and it is true and correct.
The statement is tendered, admitted in evidence, read, marked Exhibit G, signed by the President, and annexed to the Proceedings.

Q. How old are you?
A. I am full 40 years old.
Q. What standard of education have you received?
A. I graduated from High School.
Q. How long have you held a commission in the Japanese Army?
A. October 1941.
Q. Prior to that had you had any previous Military experience?
A. No.
Q. What was your civil occupation?
A. Retail dairying.

CROSS EXAMINED

Q. Do you remember the Indian officer named RAHMAT ALI?
A. Yes.
Q. Isn't it a fact that he once told you bluntly that he would not join CHANDRA BOSE's Army?
A. No, there was no such occasion.
Q. Was he a member of that Army?
Defending Officer objects to the question.as irrelevant.
The Court does not uphold the objection.
A. I do not know.
Q. He had been a nuisance to the Japanese as long as you remember, had he not?
A. Yes, to some extent.
Q. To what extent?
A. I have heard that he did not work heartily and that he also agitated his men not to work heartily.
Q. When did that first come to your notice?
A. Around February I received a report from the Coy. The Indian RAHMAT ALI had 63 Indians under him and were working at the Repair Section, his men divided into groups and did not get along very well, and one of the Indian labourers who was not in the group with RAHMAT ALI came to me and said he wanted to stay with myself. That occurred twice. This February was February 45.
Q. What was the exact date you surrendered your sword to the Australian Forces?
A. I remember that on the 20th of August all swords were gathered by the Unit.
Q. What about yo r sword?
A. I handed in my sword to the man in charge of Ordance at HQs.
Q. Was

Q. Was there any Australian check on the swords handed in by your Unit?
A. I do not know.
Q. Who collected the swords?
A. W.O. ASADE, who was in charge of the Ordnance Section of the TAKAYA Unit collected them.
Q. Do you know that every sword in the Unit was taken up?
A. All swords were taken up by order of the C.O.
Q. Would you say that there wasn't a single sword left in the Unit?
A. There were none left.
Q. Did you make a personal check ?
A. I did not make a check but W.O. ASADE strictly carriedout the order and had them all in the storehouse.
Q. When did you first hear that JAPAN had surrendered?
A. On the 17th of August 1945.
Q. You say that in the 2nd or 3rd of September you went to see RAHMAT ALI?
A. Yes, I did go.
Q. And that you slapped him and pushed him?
A. Yes, I did.
Q. Seeing that the Japanese Forces in this area had surrendered wasn't that outside the scope of your authority?
A. According to the instructions Indians were to be under the control of the Japanese until they were all handed over to Colonel ~~ISHIDA~~ ISHIDA therefore I tho ght I still controlled them.
Q. Who gave those instructions?
A. Army HQs.
Q. You had had other occasions on which you had disciplied RAHMAT ALI had you not?
A. There were no other occasions.
Q. Had you ever heard of the man before you visited him in Septemner.?
A. Yes, I knew him prior to that.
Q. And it was prior to September that he committed these offences inciting the others not to work?
A. Yes, that was so. But I have never seen it but I have heard of it from the Repair Section.
Q. But when you did hear it you were the Commander of the Indian unit were you not?
A. Yes.
Q. An did you ever interview RAHMAT ALI about these complaints?
A. No, I did not meet or interview RAHMAT ALI because I thought it was a very minor incident and told the man in charge of the Indians at the Repair Section to warn him.
Q. Are you suggesting that the Japanese regarded incitement to others not to work as a trivial offence?
A. Yes, I did not think it was a matter to bring him forward but had him warned.
Q. Can you give us an example of an offence for which RAHMAT ALI would have been interviewed by you?
A. If an incident occurred two or three times and if the man in charge of the Indians could not handle it myself I would interview him myself.
Q. Was RAHMAT ALI as far as you know, a Prisoner of War?
A. He was not a Prisoner of War.
Q. Why?
A. According to instructions from Army HQs they say he is to be regarded as an Indian labourer.
Q. Did that instruction also state that those labourers were members of CHANDRA BOSE's Army?
A. No.
Q. When you went to see RAHMAT ALI in September did HADA Socho go with you?
A. No, he did not.
Q. Who did go with you?
A. I went with an Indian called WARREN.

Q. Was there a TANAKA Hecho in your Unit?
A. No.
Q. Did you know anybody called TAKAMOTO?
A. No.
Q. INGAWA?
A. I do not know him.
Q. Did you know Jemadar SANTA SINGH?
A. Yes, I know him.
Q. Sepoy FEROZ KHAN?
A. I do not know him.
Q. Subedar GANPATRAO?
A. Yes, I know him.
Q. Was he at the Repair Shop with RAHMAT ALI, that is was FEROZ KHAN there?
A. No they were not together there.
Q. Where was FEROZ KHAN at the beginning of September?
A. I do not know that name.
Q. Was Subedar GANPATRAO with RAHMAT ALI at the Repair Shop in September?
A. He was not there.
Q. Where was he?
A. He was in the Service Coy.
Q. How far away from the Repair Coy was that?
A. Eleven or twelve kilometres.
Q. Was SANTA SINGH with RAHMAT ALI at the Repair Section?
A. No.
Q. Where was he ?
A. At the Mobile Repair Unit.
Q. Why did you ask the Indians to pardon you for any transgressions?
Defending Officer objects to this question.
Defending Officer withdraws his objection.
A. No, I did not make an apology.
Q. Do you know a Japanese called HADA Socho?
A. Yes.
Q. Where was he when you went to the Repair Depot?
A. He was at the Service ~~Depot~~ Coy.
Q. When you previously received reports about certain conduct of RAHMAT ALI, who made the reports?
A. Sgt OKUBO who was in charge of the Indians at the Repair Unit.
Q. What were the names of other Japanese*at the Repair Section?
*NCOs.
A. I do not know the names of any other NCOs.
Q. How many were there?
A. I think from 170 to 180, Japanese.
Q. Why did you consider it necessary to go personally to the Repair Depot and deal with RAHMAT ALI?
A. I had reports before and I thought I would go out. and see him.
Q. And on that occasion although you had received previous reports you thought 3 or 4 slaps with the hand was sufficient to punish him?
A. I slapped him and he apologised and so I told him that in future be sure that you do not let it happen again.
Q. Have you ever known before an Indian Officer to apologise to a Japanese?
A. There was no such occasion because Indian Officers did not do anything they had to apologise for.

QUESTIONS BY THE COURT

Q. When you recieved the order to surrender all swords were you also ordered to surrender rifles and other weapons?
A. All weapons.

Q. Do you know the date of the arrival of the British Forces in RABAUL?
A. I think it was around the 12th or 13th of September.

I swear that I have told you the truth without adding anything.

Evidence is read over to the witness who does not desire to correct same.

CONCLUDES THE CASE FOR THE DEFENCE.

The Court adjourns at 1155 hrs.

The Court re-assembles at 1330 hrs, the same President, Members, and Judge Advocate being present.

EVIDENCE IN REBUTTAL

The Prosecuting Officer intimates to the Court that he will call a witness in rebuttal.

The Defending Officer objects.on the ground that the matter relating to the sword were already referred to in the evidence of Prosecution. The Judge Advocate advises the Court on the law re the right of the Prosecutor to call evidence in rebuttal.

The Court retires to consider the matter.
The Court resumes.
The President announces that the application of the Prosecuting Officer to call this witness is not approved.

PROSECUTING OFFICER MAKES AN ADDRESS WHICH HE DOES NOT DESIRE TO BE RECORDED.

DEFENDING OFFICER MAKES AN ADDRESS WHICH HE DOES NOT DESIRE TO BE RECORDED.

The Judge Advocate Addresses The Court :

The Accused is charged with illtreating Jemadar RAHMAT ALI a PW at or near RABAUL on or about 22 August 45.
I advise the Court that if the charge is sustained, it constitutes a war crime within the meaning of War Crimes Act 1945.
The first point on which you must satisfy yourselves is whether Jemadar RAHMAT ALI was a PW at the time of the alleged ill-treatment.
You will remember that JAPAN capitulated on 15 August 45, but that in itself does not mean that persons who were PW in Japanese hands thereupon ceased to be PW.
A soldier who has been captured by or has surrendered to the enemy remains a PW until the time he in fact ceases to be in the hands of the enemy, i.e., until he ceases to be under their control.
It is for you to decide whether RAHMAT ALI was or was not in the hands of the Japanese Forces at the times material to the present charge.
You have in evidence given by the accused the British Forces did not arrive at RABAUL until 12 or 13 September 45, and that the accused had instructions from Army HQ that the Indians were to be under the control of the Japanese until they were handed over to Lt Col ISAO, therefore I thought I still controlled them.
You may consider that the whole tenor of all the evidence established the status of the said RAHMAT ALI at the time of the alleged ill-treatment. Ill-treatment not generally defined in the War Crimes Act - the words are to be given their ordinary meaning.
Right of Belligerent to punish PW for insubordination - Annexure to Hague Convention 1907 to which JAPAN is a signatory. PW must be treated humanely.
So that if you find that the treatment of RAHMAT ALI by the accused was punishment for insubordination, you must further decide whether such punishment was (a) In accordance with the laws, orders, and regulations in force in the Army of JAPAN. (b) Was not unreasonable, excessive, or inhumane.
And in sofar as punishment does not comply with the conditions, it may amount to illtreatment.
This is a criminal charge and the onus of proof is on the Prosecution throughout. It is not for the accused to prove his innocence.
If you have a reasonable doubt you must acquit. In making your decision you should consider only the evidence which has been presented but you may take judicial notice of matters of notoriety, including all matters with your general Military knowledge.
Reasonable doubt defined.
The Court is closed at 1400 hrs to consider the Finding.
The Court re-opens at 1413 hrs, and the President announces that the Court finds the accused, Capt SEKI Takashi, GUILTY of the Charge.

The Defending Officer makes an Address in Mitigation and asks the Court to take into consideration what he said in his final address.

The Prosecuting Officer informs the Court that he has no evidence of any previous convictions by a War Crimes Court against the accused

The Court is closed to consider Sentence at 1415 hrs.
The Court re-opens at 1427 hrs, and the President announces that the sentence of the Court is that the accused, Capt SEKI Takashi, to be imprisoned for Ten Years.

The President further announces that such Finding and Sentence are not final until confirmed by the Confirming Authorities.

Signed at RABAUL this 7th day of June, 1946.

John J Harvey Capt.
Judge ADVOCATE

Chas Klenck, Maj.,
PRESIDENT

C10

P/O

ABSTRACT OF EVIDENCE

Capt Hall

ON THE CHARGE: ILL-TREATMENT OF A PRISONER OF WAR

In that he at or near RABAUL on or about 22 Aug 45 ill-treated No 6808 Jemadar RAHMAT ALI No 1 A.W. Coy I.E. a Prisoner of War.

AGAINST: Capt. SEKI TAKASHI of 26 Motor Vehicle Depot.

CASE AGAINST THE ACCUSED:

Prosecution will tender:

(1) Statement of Jemadar RAHMAT ALI
(2) Statement of Clerk G.V. WARREN
(3) Statement of Jem. SANTA SINGH
(4) Statement of Sepoy FEROZ KHAN
(5) Statement of Subedar GANPATRAO SURIYAWANSI
(6) Interrogation of accused.

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Record No-2 Ch. 6 Lines 1-6

Verdict: Guilty

Sentence: 10 years' imprisonment

6/6

C145

B

164682 Lnt T. R. UNIYAL 9 13 Aust Pioneers having been called and duly sworn, gives the following evidence.

The Japanese soldier known to me as SEKI, TAKESHI Capt 9 26 Aust Veh Depot. and whose photograph is annexed hereto marked "A" is the soldier referred to by that name in my statement of 1945 and was pointed out by me to at RABAUL on November 1945.

T. R. Uniyal

Signature






A






## CASE PREPARED FOR TRIAL

**ACCUSED**

Name SEKI - Takeshi - Capt.

Unit 26 Motor Vehicle Depot

Ser. No 205.

**CHARGE** Beating

**INFORMANTS**

| | | | |
|---|---|---|---|
| Name | Abdul Gani | Unit | 2/15 Punjab |
| " | T.R. Munjal | " | |
| " | Ganpathi Muniyanmi | " | 13 Pioneers |
| " | Rahmatalli | " | 1 AW Coy I.E. |
| " | Santa Singh | " | 13 Pioneers |
| " | Feroz Khan | " | 1/2 Punjab |

Lt. Warren.

**IDENTIFIED BY** T.R. Munjal (informant)

**COMMENTS** Photographed Arrested

Case complete.

TELEPHONES
CENTRAL 7185
MXY 440

DPW(AG13(2a))/CF.

153/154
30 SEP 1946

AUSTRALIAN MILITARY FORCES
MILITARY BOARD
(ADJUTANT-GENERAL)

Quote in Reply 70177

Army HEADQUARTERS
VICTORIA BARRACKS
MELBOURNE, S.C.1

27 Sep 46.

HQ,
8TH MILITARY DISTRICT.

TRIAL BY MILITARY COURT : AWC NO 2637 CAPT SEKI TAKASHI.

1. I am directed by the Adjutant-General to refer to your A 536 of 18 Jun 46 forwarding the above proceedings and to advise that proceedings and petition of the accused convicted on the charge of

ILL-TREATMENT OF A PRISONER OF WAR
in that he at or near Rabaul on or about 22 Aug 45 ill-treated No. 6808 Jemadar Rahmat Ali No. 1 AW Coy I.E., a prisoner of war

have been considered. The confirming authority has

(a) confirmed the finding of guilty

(b) confirmed the sentence

TO BE IMPRISONED FOR 10 YEARS.

2. It is requested that the finding and sentence as confirmed be promulgated to the accused. Promulgation should be effected by an officer. A certificate of promulgation in the form attached will be forwarded to this HQ for attachment to the proceedings.

Jno Flanagan MBE ED
Colonel,
Director of Prisoners of War
and Internees.

A153/154

AUSTRALIAN MILITARY FORCES.

HEADQUARTERS
EIGHTH MILITARY DISTRICT
RABAUL.

A. 600

17356

Army Headquarters,
MELBOURNE.

TRIAL BY MILITARY COURT AWC3637 CAPT SEKI, Takashi.

Ref AHQ 70177 of 27 September 1946.

1. The finding and sentence of the Court as confirmed in the case of Capt SEKI, Takashi was promulgated to the accused by Capt R L Watts, SC"A" 8th Military District on 9th Oct 46.

2. Completed certificate of promulgation is forwarded herewith.

Brig.
BRIG.
COMMANDANT EIGHTH MILITARY DISTRICT.

10 OCT 46.

B/F 30/10.
P/A.

153/154

PROMULGATION OF SENTENCE AGAINST CAPT SHEI TAKASHI.

1. You were tried by a Military Court on 7 Jun 46 on a charge of illtreatment of a PW in that at or near Rabaul on or about 22 Aug 45 illtreated No 6808 Jemadar Rahmat Ali a prisoner of war.

2. The finding and sentence of the court and your petition have been considered by the confirming authority who has confirmed the finding and sentence of the Court.

3. You Capt SHEI TAKASHI are sentenced to imprisonment for ten (10) years.

9 Oct 46.

A Branch Distribution

AAAQMG
CLO
WCC
ATIS
War Crimes
File. ✓

# PETITION

WHEREAS at RABAUL on the 7th day of June 1946 Your Petitioner Capt. SEKI TAKASHI 26 Motor Vehicle Depot Japanese Forces was fonnd guilty by a Military Court duly convened under the provisions af the War Crimes Act 1945 of the Commonwealth of Australia in respect of a War Crime punishable thereunder Namely ILL-TREATMENT AND WHEREAS at the place and on the date aforesaid Your Petitioner was sentenced by the said Militaryv Court to IMPRISONMENT for 10 years AND WHEREAS such Finding and Sentence have been confirmed by the authority convening such Military Court AND WHEREAS Your Petitioner considers himself aggrieved by reason of such Finding and Sentence of the said Military Court and by the confirmation thereof by the said convening authority NOW THEREFORE YOUR PETITIONER HUMBLY PRAYS in pursuance of the Regulations made under the said Act that both the Finding and Sentence of the said Military Court and the confirmation thereof be quashed by the appropriate Authority under the said Act upon the following grounds:-

1. (1) Concerning the punishment for POW's Act of insubordination it is prescribed in Art. 45 of Appendix 24 of Hague Convention 1907 (of M.ML Page 372) that POW shall be subject to the laws, regulation, and orders in force in the armed forces of the detaining Power, and that any act of insubordination shall render them liable to the measures prescribed by such laws, regulation, and orders.

(2) To deform or throw away clothing without order is the most vicious insubordinate act. It is prescribed in Act.83 of the Japanese Army Criminal law that any person who deforms, gives up or injures arms, ammunition, provisions, clothing, horse or other objects used for military purposes shall be liable to a penalty of imprisonment with labour or imprisonment for less than ten years.

(3) Your Petitioner's act is within the lawful authority of the company commander under the order from the Japanese Supreme HQ that Indian shall be treated as same as Japanese soldiers and the Japanese Military Deciplinary Regulations (Art.30. The company commander has the duty to maintain military discipline and to regulate public morals; Art.32. The company commander has the right of reward and punishment in accordance with provisions of laws).

(4) Slapping as a disciplinary measure in the Japanese Army is the lightest method used usually and the spirit which lies at its bottom is the love of father toward his dear child.
In this case Your Petitioner's act was done customarilly as same as to Japanese soldier and never contains any malice.

(5) It is clear according to Your Petitioner's statement and the examination before the court that the disciplinary measure taken by Your Petitioner at the time was nothing but slapping.
Upon the above-mentioned grounds the disciplinary measure taken by Your Petitioner does confirm to the purport of regulations in force in the Japanese Army and is never excessive, unreasonable nor inhumane.

2. Your Petitioner was the head of the Indian labour Party from Jan.1st in 1945 to Sep. 14th in 1945 during that period he took positive and sincere measures for the protection of Indians inspite of extreme shortage of food, clothing and medicines etc. in the Japanese army and consequently among 379 Indians the rate of the dead was about 4 %, of heavy patients, nau

This fact does prove Your Petitioner's love toward Indians. The Sentence of the court is too severe having disregard to all the circumstances of the case.

In the event of the Finding ~~xxx~~ of the court not being set aside Your Petitioner humbly prays that the sentence should be mitigated with mercy.

3. It is submitted that Your Petitioner is aged 40 years and has a sickly second wife of 29 years old, a boy of 6 years old and a girl of 13 years old. They are wholly dependent on your Petitioner. They were diven out of business owing to the calling-up of Your Petitioner and were supported by the small salary from the Army. If Your Petitioner can not go back home the family who lost their house by air-raids would be starved to death having no support to rely upon.

DATED at RABAUL this 20th day of June 1946.

関武

Capt. SEKI Takashi

TO

Maj-Gen. B.M.Morris
GENERAL OFFICER COMMANDING
8 M.D.
AUSTRALIAN MILITARY FORCES

Subject : TRIAL BY MILITARY COURT OF

AWC No. 2637 Capt SEKI Takashi, of 26 Motor Vehicle Depot.

At RABAUL on 7th June, 1946.

War Crimes Section 8 MD

14 Jun 46.

The Confirming Authority

1. I have to report that I have examined the Proceedings of the above Military Court.

2. The Court was legally convened and constituted, the Charge was correctly drawn and the Proceedings are in order.

3. On 7 Jun 46 the Court found the accused GUILTY of the Charge, viz.:

ILL TREATMENT OF A PRISONER OF WAR

In that he at or near RABAUL on or about 22 Aug 45 ill treated No. 6808 Jemadar RAHMAT ALI, No. 1 A/W Coy, a Prisoner of War.

4. By sentence dated 7 Jun 46 the Court sentenced accused, Capt SEKI Takashi, of 26 Motor Vehicle Coy, to undergo imprisonment for ten (10) years.

The sentence is within the powers of the Court.

5. In my opinion the Finding and Sentence may legally be confirmed.

.....8.....Col
CLO 8 Military District

COPY.

CAPT SEKI Takeshi of 26 Motor Vehicle Depot states:

I am Army Capt SEKI Takeshi of 26 Field Motor Vehicle Depot.

Though it is stated in the deposition as on 14th Oct, it must be revised as on 14th Sep.

I had been the Commander of the Indian Labour Unit since 1st Jan 45 to 14th Sep 45 (when Jap Force transferred the Commanding right to Lt Col ISAK, Indian Army.

RAHMAT ALI was the Indian Officer who commanded 63 Indian Labourers despatched to the Repairing Coy (Coy Commander Capt YAMAMOTO) from the Labour Unit.

After the suspension of the War, the Jap Force supplied a suit of new clothing to each Indian Labourer. At that time agitated by RAHMAT ALI some 3 or 4 labourers tore those clothings. I noticed this fact by the report of the Repairing Coy.

RAHMAT ALI had agitated the Indian Labourers to tear clothings, so I went over to the Repairing Coy, taking a labourer named WARREN, as interpreter with me, to give warning to him, as I was the officer in charge of both personnel and internal affairs. It was, I remember, about 2nd or 3rd Sep 45.

Leaving the HQ Labour Unit about 1400 hrs, I arrived at the Repairing Coy about 1600 hrs.

After confirming the fact that RAHMAT ALI had agitated labourers to tear clothings without any reason by the report of Capt YAMAMOTO, Commander of the Repairing Coy, I went over to the living quarter of the Indian Labourers and ordered those who had torn clothings to proceed forward. RAHMAT ALI and other 4 personnels proceeded forward in front of me. At my question about the reason why they had torn clothings, 4 labourers answered that they had done it by RAHMAT ALI's order. RAHMAT ALI did not answer my question about the reason why he had agitated them to tear clothings. He did not answer, too, to my question whether he thought such an act wrong, so I pushed his body with my hand and gave 3 or 4 slaps with another hand. Then he apologised with his head bowed, so I forgave him and went back to the HQ at Tonandai at 1900 hrs.

Directly after the suspension of the War, the Jap Force was disarmed and all the weapons were taken off. As it was I did not have any sword or leather belt since 20th Aug.

I can promise you that I never imprisoned RAHMAT ALI. Until he removed to Karavia, he stayed at the Repairing Coy at Fujimidai, and I think Capt YAMAMOTO should know this fact most clearly.

SGD SEKI TAKESHI Capt.

I hereby certify that the above translation is true and correct.

SGD. Y. OHKAWARA Lt P M.

A.153/

AUSTRALIAN MILITARY FORCES

Hq 8th Military District
Rabaul

A. 536

AHQ MELBOURNE 259
(For DPW & I)

WAR CRIMES : TRIAL BY MILITARY COURT OF :-
AWC No 2657 Capt SEKI Takashi of
26 Motor Vehicle Depot.

1. Proceedings are forwarded herewith of Court which tried and convicted this accused on 7 Jun 46 on a charge of ill treatment of an Indian POW. The Court sentenced him to imprisonment for 10 years.

2. Notice of Petition is attached to the proceedings in in consequence of which confirmation is reserved for higher authority.

3. It is recommended that the finding and sentence be confirmed.

Maj-Gen.
GOC 8th Military District.

18 Jun 46